



State of Arizona Acupuncture Board of Examiners

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REGULAR MEETING

March 27, 2013

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, March 27, 2013, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

Woohyung Cho, L.AC., Professional Member, Chairman

Christopher M. Clair, Consumer Member, Secretary

Ross Adelman, Consumer Member, (via telephone)

Maureen Bronson, Consumer Member

Teresa Buechel, L.AC., Professional Member

Robert L. Gear, NMD, DC, Professional Member (joined the meeting at 1:17 p.m.)

Patricia E. Martin, L.AC., Professional Member

John M. Rhodes, L.AC., Professional Member

Board Members Absent:

Vacancy, Professional Member

Administrative Staff:

Pete Gonzalez, Executive Director

Attorney General Representative:

Montgomery Lee, Assistant Attorney General

Call to Order

Chairman Cho called the meeting to order at 1:05 p.m.

The Board recognized the service of Toni Bennalley, L.AC.,

The following order of business was then considered:

Declaration of Conflicts of Interest

None.

Discussion and Approval of Minutes

Board Member Bronson moved the adoption of the January 23, 2013 regular board meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bronson	Buechel	Cho	Clair	Gear	Martin	Rhodes	Vacancy	Vote
X	X	X	X	X		X	X		Aye
									Nay
									Recused
									Abstained
					X				Absent

Board Member Bronson moved the adoption of the January 23, 2013 executive session meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 5-0.

Adelman	Bronson	Buechel	Cho	Clair	Gear	Martin	Rhodes	Vacancy	Vote
X	X		X	X		X			Aye
									Nay
									Recused
		X					X		Abstained
					X				Absent

Board Member Bronson moved the adoption of the February 27, 2013 regular board meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bronson	Buechel	Cho	Clair	Gear	Martin	Rhodes	Vacancy	Vote
X	X	X	X	X		X	X		Aye
									Nay
									Recused
									Abstained
					X				Absent

Complaints/Investigations

Complaint #2013-01 (Unprofessional Conduct) re: Guoliang Cao, L.AC.

The Board attempted to review and discuss this complaint, but without the person who filed the complaint not in attendance it was difficult to proceed at this time. Phone calls and mailings were made to reach this person but all efforts were unsuccessful.

Board Member Martin moved for the complaint to be dismissed with Board Member Adelman providing a second. The motion carried by the vote: 7-0.

Adelman	Bronson	Buechel	Cho	Clair	Gear	Martin	Rhodes	Vacancy	Vote
X	X	X	X	X		X	X		Aye
									Nay
									Recused
									Abstained
					X				Absent

Complaint #2013-03 (Unprofessional Conduct) re: Qingsong Xiao, L.AC.

The Board received and reviewed the official complaint filed by Mr. Craig J. Klodzinski, the response to the complaint provided by Ms. Qingsong Xiao, L.AC., rebuttal letter provided by Mr. Klodzinski to Ms. Xiao's response and a letter from KeliAnne Kinnaird, former employee at Great Wall Chinese Medicine operated by Ms. Xiao.

Mr. Klodzinski addressed the Board and stated he sought treatments from Ms. Xiao for back pain. He received a bill for \$14,000 and questioned some of the charges and feels Ms. Xiao is practicing outside of her scope so this complaint has been filed. A complaint has also been filed with the Arizona Board of Massage Therapy.

The Board did not have a complete copy of Mr. Klodzinski's treatment notes so copies were made for review and discussion.

Assistant Attorney General Lee advised Board Member Adelman not participate in this discussion as he does not have a complete copy of treatment notes since he is participating via phone.

Board Member Martin stated the thirty-three pages of records are too much to read and would like to postpone this matter for later time.

The Board decided to gather information at this time and schedule this complaint for a future board meeting so Board Members have an opportunity to review the complete copy of treatment notes.

Mr. Klodzinski stated he informed Ms. Xiao that he didn't have money to pay her for her services and she replied that "he not worry about it at this time." At this time went on, Mr. Klodzinski reminded Ms. Xiao of his inability to pay Ms. Xiao.

Board Member Bronson asked when Mr. Klodzinski received word on his worker's compensation claim. Mr. Klodzinski stated a decision was not rendered until April 14, 2011.

Board Member Rhodes asked Mr. Klodzinski if he received treatments after the worker's compensation decision. Mr. Klodzinski answered in the affirmative.

Mrs. Klodzinski stated she reviewed the bills and noticed there was no record of some payments that had been made and questioned the accuracy of the payment records.

Assistant Attorney Lee suggested the Board request a complete set of notes from the first day of treatment from January, 2010 to October 17, 2011.

Board Member Gear asked if Mr. Klodzinski if any surgeries have been performed on his back and Mr. Klodzinski stated a number of procedures have taken place.

Mr. Klodzinski was asked to describe the ultrasound treatments he received at Ms. Xiao's office.

Mrs. Klodzinski indicated an effort has been made to negotiate with Ms. Xiao on payment, but no resolution has been achieved. The payment issue has been sent to a collections agency. In addition, Mrs. Klodzinski believes Ms. Xiao is practicing outside of her acupuncture license scope of practice.

Mr. Thomas Moring, legal counsel for Ms. Qingsong Xiao, reviewed the sequence of events leading to this complaint. Mr. Moring stated Mr. Klodzinski was provided with statements saying he is responsible for payments. A voice message (10/28/11) left with Ms. Xiao was played whereby Mr. Klodzinski states that he may have a way to pay Ms. Xiao through Hartford Insurance.

Mr. Moring reviewed the scope of practice for acupuncturists as it relates to the 62 treatments provided by Ms. Xiao.

The Board asked Ms. Xiao to describe the ultrasound treatments she provided to Mr. Klodzinski.

Board Member Martin moved to have this complaint scheduled for review at a future board meeting with Board Member Bronson providing a second. The motion carried by unanimous vote: 8-0.

Adelman	Bronson	Buechel	Cho	Clair	Gear	Martin	Rhodes	Vacancy	Vote
X	X	X	X	X	X	X	X		Aye
									Nay
									Recused
									Abstained
									Absent

Applications for Licensure (without self-disclosures)

The Board reviewed the license applicant chart and Board Member Martin moved for the approval of the applicants for licensure listed below with Board Member Bennalley providing a second. The motion carried by unanimous vote: 8-0.

Blake M. Beeston
 Linda Rae Anderson
 Kate P. Campos
 Charles E. Harn
 Jenna L. Robarge

Adelman	Bronson	Buechel	Cho	Clair	Gear	Martin	Rhodes	Vacancy	Vote
X	X	X	X	X	X	X	X		Aye
									Nay
									Recused
									Abstained
									Absent

Other Applications/Requests – Continuing Education

“Cosmetic Facial Rejuvenation” provided by the Phoenix Institute of Herbal Medicine and Acupuncture” for 15 hours on May 4 & 5, 2013 and November 2 & 3, 2013 in Phoenix, Arizona.

The Board reviewed the application and Board Member Bronson moved for approval of the application with Board Member Clair providing a second. The motion carried by unanimous vote: 8-0.

Adelman	Bronson	Buechel	Cho	Clair	Gear	Martin	Rhodes	Vacancy	Vote
X	X	X	X	X	X	X	X		Aye
									Nay
									Recused
									Abstained
									Absent

“Chinese Periocular Acupuncture and Tuina” provided by the Chinese Health Center, Inc. for 8 hours on May 5, 2013 in Phoenix, Arizona.

The Board reviewed the application and Board Member Martin moved for approval of the application with Board Member Bronson providing a second. The motion carried by unanimous vote: 8-0.

Adelman	Bronson	Buechel	Cho	Clair	Gear	Martin	Rhodes	Vacancy	Vote
X	X	X	X	X	X	X	X		Aye
									Nay
									Recused
									Abstained
									Absent

Professional Business

Discussion and appointment of Board Member to Joint Committee with the Arizona State Board of Physical Therapy regarding Dry Needling.

As a result of discussions with the President and Executive Director of the Arizona State Board of Physical Therapy, a joint committee has been created to further examine the topic of dry needling.

At the December 3, 2012 board meeting, Board Members Toni Bennalley, Mo Bronson and Patricia Martin were appointed to this joint committee.

As Ms. Bennalley’s term on the Board has been completed, the Board needs to find a replacement on the joint committee.

Board Member Gear moved for approval of Board Member Cho to serve on the joint committee with Board Member Bronson providing a second. The motion carried by unanimous vote: 8-0.

Adelman	Bronson	Buechel	Cho	Clair	Gear	Martin	Rhodes	Vacancy	Vote
X	X	X	X	X	X	X	X		Aye
									Nay
									Recused
									Abstained
									Absent

Executive Director Report

License and Certificate Status Report:

Active Licensed Acupuncturists: 536
 Expired Licenses: 10
 Active Certified Auricular Acupuncturists: 42

Board Office Information/Activities:

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for May 2013 licensees were prepared and sent. In addition, expired license and certificate letters for the month of February 2013 were sent.

- Completed and submitted the Aperture Credentialing survey. Aperture is a credentials verification organization that assists health plans with primary source verification of practitioners.
- Completed and submitted the Med Advantage Credentialing survey. Med Advantage is a credentials verification organization that assists health plans with primary source verification of practitioners.
- Completed and submitted the State Trip Reduction Program Employee Survey.

Budget Information

- The Governor's office and the Legislature will begin budget discussions in the coming weeks. At this time, the Board's funding requests have been recommended for approval.

Legislation

Senate Bill 1037, introduced by Senator Nancy Barto, includes the Board's legislative recommendations as developed by the continuing education advisory and legislative advisory committees.

SB 1037 was approved by the Arizona State Senate on February 11, 2013 by a vote of 28 ayes and 1 nay and sent to the Arizona House of Representatives for action.

The Arizona House of Representatives Health and Rules have approved SB 1037 with unanimous votes. The Arizona House of Representatives Majority and Minority caucuses have approved the bill and the bill is awaiting committee of the whole action by the Arizona House of Representatives.

Future Meeting Dates

April 24, 2013 (Tucson)

May 22, 2013

Call to the Public

James Wagner, representing AMASA, provided the Board with a list of physical therapists practicing dry needling in the state. Mr. Wagner expressed his call for the Board to take action against these individuals. He would like to see this Board issue a cease and desist order to the people found on the list. Mr. Wagner believes physical therapists practicing dry needling are in violation of law and are endangering the public.

Jonathan Lindsey, representing the Arizona Society of Oriental Medicine and Acupuncture, asked the Board consider changing board rules of where auricular acupuncturists can practice. Mr. Lindsey indicated the Society is working on the

dry needling issue, conducting town hall meetings, and herb sunrise proposal. The stakeholder meeting in Tucson was informative and well attended.

Steve Perlmutter, who has applied to the Governor's Boards and Commission office for appointment to a healthcare regulatory board, introduced himself to the Board. He is a retired Doctor of Ophthalmology and attorney

Board Member Adelman reported on the Arizona stakeholder meeting and thought it was a productive and informative gathering. The licensed acupuncturists provided professional presentations on the issue of dry needling.

Discussion of Items to be place on a future meeting agenda

- Dry Needling
- Reconsider Fee Schedule for Licensure
- Discussion on limitation of meeting attendance by telephone
- Legislative Committee
- Strategic Plan
- Auricular Acupuncturist scope of practice

Adjournment

Board Member Bronson moved for adjournment and Board Member Martin provided a second. The motion carried by unanimous vote: 8-0. The Board adjourned at 3:31 p.m.

Adelman	Bronson	Buechel	Cho	Clair	Gear	Martin	Rhodes	Vacancy	Vote
X	X	X	X	X	X	X	X		Aye
									Nay
									Recused
									Abstained
									Absent

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: May 22, 2013